IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 9005 OF 2003 .

Shri Shankar G. Mulik, since
deceased throuh his heirs. ... Petitioner.
V/s.
Shri Nitin Gopal Mulik ... Respondents.

Shri S.P. Thorat for the petitioner.

Shri G.M. Salunkhe for the respondent.

CORAM : V.C.DAGA, J.

DATED : 18.3.2006.

P.C. :

. Heard Learned Counsel for the petitioner. He submits that the order dated 11.1.2003 is practically in favour of the petitioner. However, in the operative part of the order it is wrongly mentioned that application is partially allowed. According to him, application should have been rejected by the Additional Commissioner, Pune Division, Pune.

2. The submission made needs consideration. The clarification of the operative part of the order would take care of the apprehension in the mind of the petitioner that this order may be used against him. The wording "application is partially allowed" appears to have been incorporated in view of the fact that the order of the Additional Commissioner is based on the order of the civil Court. The order

of the Civil Court was made foundation to correct the rvenue record i.e. record of rights. In otherwords, corrected entry in the record of rights has not been made on the basis of independent examination of the matter on merits but on the basis of the civil Court order. In that light; if the words " Application is partially allowed" are read it sounds proper. In view of this clarification, it is not necessary to entertain this petition.

3. The above clarification shall take care of the apprehension of the petitioner. Petition accordingly stands disposed of with above clarification with no order as to costs.

(V.C.DAGA,J.)